

109TH CONGRESS
1ST SESSION

H. R. 1351

To amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for public access under programs administered by States and tribal governments, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2005

Mr. POMEROY (for himself, Mr. OSBORNE, Mr. GREEN of Wisconsin, Mr. ANDREWS, Mr. BOEHLERT, Mr. OBERSTAR, Mr. BOSWELL, Ms. HERSETH, Mr. MOORE of Kansas, and Mr. UDALL of Colorado) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for public access under programs administered by States and tribal governments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Voluntary Public Ac-
5 cess and Wildlife Habitat Incentive Program Act of
6 2005”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) according to the United States Fish and
4 Wildlife Service, in 2001, 82,000,000 individuals in
5 the United States aged 16 years and older partici-
6 pated in wildlife-related recreation, including
7 34,000,000 individuals who hunted, and more than
8 66,000,000 who engaged in wildlife-related recre-
9 ation such as observing, feeding, or photographing
10 wildlife, in the United States;

11 (2) individuals who participated in wildlife-re-
12 lated activities in 2001 spent an estimated
13 \$108,000,000,000, including—

14 (A) more than \$35,000,000,000 on fishing;

15 (B) nearly \$21,000,000,000 on hunting;

16 and

17 (C) more than \$28,000,000,000 on food,
18 lodging, and transportation;

19 (3) the growing public demand for outdoor rec-
20 reational opportunities is increasingly constrained by
21 the limits on both public and private land resources;

22 (4) limited public access on private land has
23 often frustrated and disappointed hunters and other
24 naturalists, and undermined the relationship be-
25 tween land owners and the general public;

1 (5) several States and tribal governments have
 2 established successful but modest walk-in programs
 3 to encourage public access on private farm, ranch,
 4 and forest land, yet the demand for such voluntary
 5 access programs remains largely unfulfilled;

6 (6) traditional agricultural markets have in re-
 7 cent years offered limited income opportunities for
 8 farm, ranch, and forest land owners and operators;
 9 and

10 (7) current proposals to reform world agricul-
 11 tural trade favor the development of new methods to
 12 support the income of agricultural producers that
 13 have minimal impact on agricultural production and
 14 prices.

15 **SEC. 3. VOLUNTARY PUBLIC ACCESS AND HABITAT INCEN-**
 16 **TIVE PROGRAM.**

17 (a) IN GENERAL.—Chapter 5 of subtitle D of title
 18 XII of the Food Security Act of 1985 (16 U.S.C. 3839bb
 19 et seq.) is amended by adding at the end the following
 20 new section:

21 **“SEC. 1240Q. VOLUNTARY PUBLIC ACCESS AND HABITAT IN-**
 22 **CENTIVE PROGRAM.**

23 “(a) IN GENERAL.—The Secretary shall establish a
 24 voluntary public access program under which States and
 25 tribal governments may apply for grants to encourage

1 owners and operators of privately-held farm, ranch, and
2 forest land to voluntarily make that land available for pub-
3 lic access under programs administered by the States and
4 tribal governments.

5 “(b) APPLICATIONS.—In submitting applications for
6 a grant under the program, a State or tribal government
7 shall describe—

8 “(1) the benefits that the State or tribal gov-
9 ernment intends to achieve by encouraging public ac-
10 cess on private farm, ranch, and forest land, through
11 such activities as hunting, fishing, bird watching,
12 and related outdoor activities; and

13 “(2) the methods that will be used to achieve
14 those benefits.

15 “(c) PRIORITY.—In approving applications and
16 awarding grants under the program, the Secretary shall
17 give priority to States and tribal governments that pro-
18 pose—

19 “(1) to maximize participation by offering a
20 program the terms of which are likely to meet with
21 widespread acceptance among landowners;

22 “(2) to ensure that land enrolled under the
23 State or tribal government program has appropriate
24 wildlife habitat;

1 “(3) to strengthen wildlife habitat improvement
2 efforts on land enrolled in a special conservation re-
3 serve enhancement program described in section
4 1234(f)(4) by providing incentives to increase public
5 access on that land; and

6 “(4) to use additional Federal, State, tribal
7 government, or private resources in carrying out the
8 program.

9 “(d) RELATIONSHIP TO OTHER LAWS.—Nothing in
10 this section preempts a State or tribal government law (in-
11 cluding any State or tribal government liability law).

12 “(e) REGULATIONS.—The Secretary shall promulgate
13 such regulations as are necessary to carry out this sec-
14 tion.”.

15 (b) FUNDING.—Section 1241(a) of the Food Security
16 Act of 1985 (16 U.S.C. 3841(a)) is amended by adding
17 at the end the following:

18 “(8) The voluntary public access program
19 under section 1240Q, using, to the maximum extent
20 practicable, \$20,000,000 in each of fiscal years 2005
21 through 2009.”.

1 **SEC. 4. PREVENTION OF EXCESS BASE ACRES.**

2 Section 1101(g)(2) of the Farm Security and Rural
3 Investment Act of 2002 (7 U.S.C. 7911(g)(2)) is amended
4 by striking subparagraph (C).

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